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T.R.A. DOCKET ROOM

November 30, 2005

Chairman Ron Jones  
c/o Sharla Dillon  
Tennessee Regulatory Authority  
460 James Robertson Pkwy.  
Nashville, TN 37243-8359

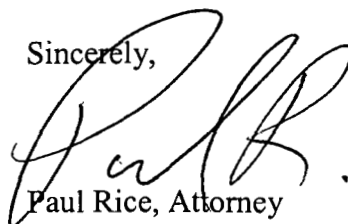
RE: Arbitration of Aeneas Communications and Bellsouth, Docket 04-00017

Dear Chairman Jones,

Enclosed you will find an original and thirteen copies of a Reply to Bellsouth's Response to Supplemental Petition for Arbitration by Aeneas Communications, LLC.

Thank you for your help.

Sincerely,



Paul Rice, Attorney  
For Aeneas Communications, LLC.

cc: Guy Hicks, Esq.

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

**In Re:**

**Petition for Arbitration of  
Aeneas Communications, LLC  
With BellSouth Telecommunications, Inc.  
Pursuant to the Telecommunications Act  
Of 1996**

**Docket No. 04-00017**

**Reply to Bellsouth's Response to Supplemental Petition for Arbitration by Aeneas  
Communications, LLC**

Comes now, Aeneas Communications, LLC (hereinafter "Aeneas") by its undersigned attorney, and would state that:

Contrary to Bellsouth's contention, supplemental pleadings are allowed in arbitration cases. See TRA Rule 1220-1-1-.02 "...these rules apply to arbitration proceedings...", and TRA Rule 1220-1-2-.22(2) "...the Authority or the Hearing Officer... may... allow amendments...permit additional claims or contentions to be asserted..."

Contrary to Bellsouth's contention that a TRA Hearing Officer's August 2, 2004 *Order* from Docket 03-00585 provides any guidance in this case, review of that docket shows that the initial Petition was filed on November 6, 2003 and that extensive conferences, preliminary motions, and discovery had been conducted concerning issues raised in the initial Petition. In the Aeneas case at bar, no litigation activity has taken place to speak of and there is no prejudice possible by adding an issue at this time. It was not a petition that Commercial Mobile Radio Service Providers sought to supplement in 2004; it was a "Final Joint Issues Matrix" that had been framing the case for a period of time.

Finally, Bellsouth argues that it is "unreasonable" to deal with this issue in arbitration because Aeneas hasn't tried to negotiate a TRO/TRRO compliant agreement. Aeneas disputes that and contends that such an agreement is, of course, the objective of its arbitration filing. Leave for adding the issue to this docket should be granted and an immediate hearing should be scheduled.

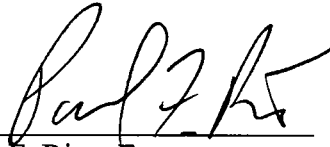
In the alternative, the pleading at issue alleges that the parties' current Interconnect Agreement is in violation of anti-discrimination statutes; if the Authority deems it appropriate, Aeneas has no objection to the Authority assigning this matter its own docket number for treatment as a contested case.



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### **Certificate Of Service**

I certify that a true and accurate copy of this document was forwarded to Guy Hicks, Esq., 333 Commerce Street, Suite 210, Nashville, TN 37201-3300 on this the 30th day of November, 2005.



Paul F. Rice, Esq.

Cc: Henry Walker, Esq.  
Trish Cartwright, Bellsouth